

I am Ann Pecora Diamond and I am a member of the Connecticut Condo Owners Coalition (CCOC)

Senator Coleman, Representative Fox, Members of the Joint Committee on Judiciary:

I am here to request your support of *HB 6620 An Act Concerning Condominiums and Common Interest Ownership Communities*.

By way of a brief introduction, I was born at the vanguard of the Baby Boomers. (I'll let you do the math.) I have lived in my condo in New Haven for nearly 30 years. It is a single, 3 story building with a very large tile roof that was build in 1926 and houses 24 condo units. We have a board of 3 members who are elected for three-year terms. For most of the past 20 years one unit with the support of 4 other units has controlled all aspect of life in this building.

It may be difficult for those of you who do not live in condos to imagine our problems. After all, there are numerous laws already on the books and association boards are democratically elected. Or so it would appear in theory. In reality, nothing like democracy occurs in many condos. Just as the former Soviet Union provided a constitution that ensured its citizens of a democratically run society, but actually manipulated their governance to produce an authoritarian society, so too, has the governance of many condominiums and common interest communities been distorted. In fact, for many, they have devolved into badly managed cults of personality, incompetency, unresolved conflicts, and deteriorating facilities.

In addition to copies of my testimony, I have provided you with copies of reports I prepared and presented to my board in an effort to engage them in discussions over matters concerning our condo's finances and maintenance. It is noteworthy that I received no response to any of these

documents. I will now give you a few examples from my personal experiences of problems I have had:

1. My board and management company sent an attorney after me to have me evicted, because I published a newsletter in which I tried to discuss problems several of us were having with the maintenance of our building.

2. A small group of 5 units has controlled my condo. For years they held closed board and committee meetings, rarely published minutes, spent millions without our input or any real documentation, and handpicked committee and board members while excluding others, like me. They prevented our changing management companies for years while work was done in their units that was denied to me and to others. When I protested, I was ignored, publicly scolded, defamed and/or retaliated against. They ensured their control by intimidating people into giving them their proxies for board elections or into silence. I failed in my attempts to have them removed from our board.

3. I have the same leaks in my roof that were there the day I moved in. Only now they are worse and have led to the disintegration of the brickwork around my chimney. My board members live on the first and second floors and are not troubled by these leaks. They claim it would cost too much to fix them properly, so they waste huge sums of money sending incompetent contractors up to the roof to pour buckets of tar on it or to chalk areas that need serious restoration. I have had experts look at the roof and have learned we need a roofing consultant; but once again, my suggestions are ignored. One of our board members is an architect, who, I understand, specializes in designing interiors. The other board members defer to his "expertise" on all construction issues. I have tried to point out that he is not a "disinterested party" and actually is acting in violation of the "best practices," published by the AIA, but, again, my complaints have been dismissed without comment. So while this

restoration isn't done, the roof leaks, mold grows, our skylights are breaking down, the bricks are melting into dust, and the health of residents is being compromised.

4. A few years ago, I got tired of our grounds' looking shabby. So, in accordance with our rules, I bought and planted several plants. A neighbor, who is one of this small privileged group, didn't like what I had done. Under cover of darkness one night he cut to the ground all of my shrubs. My protests were completely ignored. I believe this lack of accountability emboldened him, because later he and others began heckling me whenever I walked outside. They ignored my requests to be left alone, so I felt I had no other recourse, but to call the police. A couple of months later this same person stalked me, aggressively threatening me while I watered the gardens. Once again, I called the police. I am not the only condo owner who has felt unsafe in her own home. While my concerns received no response from my board, these few, entitled individuals complained about debris from trees falling on their cars. At their request our board paid over \$3000 to have removed 5 healthy, mature trees that many of the rest of us enjoyed; we, however, were denied any opportunity to comment on this decision, expense, destruction of our property and change to the appearance of our building..

Yes, there are rules for condos; but they are either ignored or interpreted with such bias as to be laughable. I understand that attorneys who represent association boards and management companies will tell you that only those associations who lack the benefit of their advice have these problems. I can attest that that is not true, since my condo hired Perlstein, Sandler and McCracken to update our bylaws. Attorney Sandler attended a meeting at our condo and explained our new bylaws to the very people who after he left continued to ignore them. His firm, also, sends our board periodic updates on the laws. They, too, are ignored.

Having said that, I am very much in favor of training for associations' boards and management

companies. They either do not understand the law, do not want to invest the time needed to understand them or don't care what the laws say. Whatever the reason, they need training. They need to be educated in their duties and responsibilities. Serving on an association board is not a mandate to bully people, a means to promote their individual interests or an opportunity to impose their personal tastes on others....

Finally, while there are plenty of lawyers to represent boards and management companies, I could find none, willing to represent me when I tried to find one to help me with the problems I just described.

They aren't interested in working on such small matters. Also, they know that the courts don't want to get involved in governing condos, so the courts throw out most complaints dealing with condo governance.

That's why we desperately need an Office of Ombudsman and some means to resolve the conflicts and disputes between condos and their associations or management companies. And for the record, I am willing to pay a service charge for this assistance. I do not think this cost should be carried by all taxpayers, only those of us who will benefit from it. After all, it is a reasonable cost to incur in order to protect the viability of our major investments.

Thank you for this opportunity to address you about issues that confront condo owners in Connecticut.

Ann Pecora Diamond

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New Haven, Connecticut 06511-2113

(203) 562-4408

Appendix

Contents:

1. *Comments on PGCA 2010 Expenditures*: I received no response to this. It documents how badly money is managed and accounted for. It also demonstrates that only a few individuals are deciding how this money is being spent.
2. *2009 Report on Gardening at PGCA*: I prepared this and it is the only report made to the entire community on anything that was done to our property and building. I did the same this year and in previous years.
3. *Comments by A.P. Diamond on August 31, 2010, PGCA Board Meeting*: I prepared this before the meeting and tried to discuss it in the "open forum" at the beginning of the meeting. Since only 15 minutes is allocated for this open forum and others had issues they needed to discuss, I presented this document and asked that it be attached to the minutes. I understood it would be. It was not.
4. *Email on Minutes of August Board Meeting*: I sent this to our manager, because my comments were not attached to the minutes and they were "sanitized" in the text of the minutes that were distributed.
5. *Roof Report*: I prepared this before our annual meeting and asked that this roofing consultant be invited to speak at that meeting. I received no response and he was not invited to address our meeting.

Note: With the exception of the email I circulated all of these documents directly via email or hard copy to everyone in my condo.

Comments on PGCA 2010 Expenditures

Being retired and after years of wondering what was actually behind the list of items on our budget sheets I decided to do take advantage of the spare time I have and do a little investigating. With Gary's assistance I have gone through all the files in the Hotchkiss office that pertain to our 1/10-10/10 bills, estimates, contracts and correspondence with our attorneys.

The following is a summary of the expenditures I found of most interest; while comprehensive, it is not meant to be complete. Also, I am not a CPA and am not entirely certain I interpreted all these entries correctly, so I look forward to the discussion at the Budget Workshop at which any questions can be answered and ambiguities clarified. I also will present at the end of this document my personal suggestions for future budgets and expenditures.

These items are not listed in any particular order. I have listed them by a descriptive title, followed by the date of the bill and then its amount. I have attempted to lump together like items to make it possible to get some sense of how much is being spent in total on each project, repair or item. Where relevant, I have attempted to identify the units for which work was done and to give a brief explanation of it.

I've added my editorial comments in italics. The items in red represent places where I believe we could save money in the future or where money appears to have been spent either ineffectively or inefficiently this year. Others may have a different perspective. Again, I look forward to discussing these issues and others at the coming Budget Workshop.

In general, I suggest we set priorities and establish fiscal practices that ensure that we make progress in the restoration and renovation of this building, that we keep up with emergency repairs/routine maintenance and that we become proactive in upgrading systems that will bring us the best value for our money in the future. Our common charges are very high. Our building is old and in need of costly work. Without good, long-range planning and prudent spending we will not make the progress we all need and want.

2010 Expenditures

- Repairs to Outdoor Lighting: 11/30/09 \$148.00
01/24/10 \$386.90
02/08/10 \$ 26.50
03/28/10 \$174.90
(trim around light sensor) 07/22/10 \$ 76.13

(We keep pouring money into this system that is outdated, costly to run and works badly. Doesn't it make more sense to replace it with either solar or a more efficient system? There are tax breaks for solar technology for the next 5 years. Also, why weren't the landscapers called to trim the ivy before it got so overgrown that we needed the 7/22/10 service call?)

- Smoke Alarm System: 11/20/09 \$397.50
02/08/10 \$ 26.50
05/17/10 \$371.00
08/20/10 \$397.50

(Is there a \$40.00/month phone charge associated with this service? What are we paying for? According to Clark Howard there are much less expensive monitoring arrangements available.)

- Replacement of batteries in Smoke Detectors: 06/27/10 \$50.75
(Don't we have a centralized smoke alarm system? Why are we still using the battery-operated ones? Shouldn't they be dismantled and the batteries removed?)

- Landscaping: 11/25/09 \$160.00 wreaths
\$180.00 pruned branches from trees later removed
\$120.00 pull poison ivy
06/20/10 \$540.00 "pull poison ivy" (I suspect this includes the ivy, although a great deal of poison ivy was pulled also.)
07/01/10 \$550.00 mulch
\$725.00 trim ivy

(Rather than continue to waste money on pulling out poison ivy, which only ends up stimulating its growth, how about spraying it, so we don't have to do this again and again? I bought and have the spray Jake recommended 3 years ago to kill the poison ivy.)

- Removal of 5 trees along south side and 1 along the Highland side of building:
(Note: There is no documentation that this expenditure was described in detail, discussed openly or specifically approved by a majority of the PGCA membership, as required by our bylaws and CT statutes. What sense does the removal of these trees make, when it means we are going to have to spend thousands at some later date to landscape the south side of the building and the alley?) 04/13/10 \$3180.00

- Repairs to the Roof:

*(Note: There is no detailed documentation or breakdown of the costs of this work. There is no information on the number of workers, their hourly charges, the kind and cost of materials, the charges for rentals of the lifts, etc. There is a narrative description of this project, but it too lacks specific, detailed and descriptive information. This violates the recent amendments to the CT condo statutes and begs the question of what was actually done. We have a guarantee by this contractor, but without a full written description, it is meaningless.)***

07/13/10 \$12,375.00
08/20/10 \$ 2,650.00 (narrative documentation)
09/24/10 \$10,000.00 ("interior damage repair" a.k.a. "Skylights & Roof Replacement")
09/20/10 \$ 725.00 ("5 chimneys waterproofed" sealed**)
10/19/10 \$ 2,000.00 ("misc roof repair")
09/20/10 \$ 3,425.00 ("flat roof repair")

Addendum to Narrative Budget

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| • Interior Painting: "594 rear hallway" | 11/02/10 | \$1,988.00 |
| "Front entry stairwell 596" | 11/11/10 | \$ 992.00 |
| • Lighting Repairs: | | |
| "Replaced photo cell on garage #6 wall light" | 09/30/10 | \$115.00 |
| "Relocated photo cell in court yard to location not impeded by ivy" | 09/30/10 | \$230.00 |
| "Made emergency repairs to hall circuit due to roofer cutting feed to back hall. Also needed to relocate light in back stairwell" | 10/31/10 | \$360.00 |
| <i>(Did we receive any reimbursement from the roofer on this expense?)</i> | | |
| "Repaired light fixture at entry #7. New ballast was needed" | 10/31/10 | \$165.00 |
| "Replaced bad photocell in light fixture outside old superintendents apartment" | 10/31/10 | \$115.00 |
| • Plumbing: "remove existing copper pipes feeding four boilers due to several pin-hole leaks in the copper pipes;" "installed new copper pipe and fittings" | 10/20/10 | \$328.10 |
| <i>(Aren't we each responsible for the upkeep of our own furnaces?)</i> | | |
| • Landscaping: "additional work, install 3 new shrubs" | 11/01/10 | \$240.00 |
| <i>(These were to replace the three Rhododendrons on the front bank that were installed just over a year ago. I did not have responsibility for watering the original plants.)</i> | | |
| • Back Hall Carpeting ("Highland St side of building") | 10/28/10 | \$1,315.46 |
| • "Reimbursement for bathroom repairs" (to B-8) | 11/05/10 | \$ 8,350.00 |
| (Note: Apparently, this is the result of poor workmanship by a previous contractor hired by PGCA. Attempts are being made to get some of this money back from that contractor.) | | |

Note: There is an invoice to Gabe Martinez for \$132.50. There is no explanation for this; and I don't know who that person is, so I can't provide any information on it.

- Replace Carpeting on Backstairs: 10/15/10 \$1421.46
- Install Kick Stands on 2 Doors: 08/19/10 \$101.50
- Repair Hot Water Heater Duct: 08/30/10 \$304.50 (plus materials)
- Replacement of light bulbs: 10/29/09 \$ 49.75
 - 11/21/09 \$ 99.50
 - 594 & 596 01/20/10 \$ 99.50
 - Highland 01/12/10 \$ 74.63
 - "Light walk thru" 02/25/10 \$ 99.50
 - 598 basement 03/20/10 \$ 74.65
 - "Front spiral light" 04/22/10 \$ 74.65
 - 596 & 598 05/07/10 \$152.25
 - 07/12/10 \$ 76.13
 - Garage 6 08/01/10 \$ 76.13
 - "Repair hallway lights" 09/24/10 \$ 114.20
- Sweep and Clean basement: 1/10/10 \$398.00
- Cleaned and Emptied Rental Apt: 08/15/10 \$530.00
- Repairs to Outer Doors:
 - 12/24/09 \$ 99.50
 - 02/11/10 \$ 74.63
 - 06/27/10 \$ 50.75
 - 07/20/10 \$ 76.13
 - 09/23/10 \$101.50

(The doors still do not close. We need, at some point, to replace them.)
- Set up chairs for Annual meeting: 1/18/10 \$ 99.50
- Shut off Water for 600: 2/10/10 \$ 74.63
- Repair Mailbox (magazine box?): at 600 11/22/09 \$ 99.50
- Charges related to specific units:
 - 11/06/09 A-4 (investigate leak) \$ 99.50
 - 01/08/10 C-5/C-6 (plugged drain) \$174.90
 - 04/13/10 C-4 (roof leak repair) \$180.00
- Sprinkler System:
 - 05/17/10 \$188.68
 - (set timer) 06/12/10 \$ 95.40
 - (set timer/repairs) 07/16/10 \$163.24
 - (repairs) 08/17/10 \$168.54

(I know how to set these timers. We don't need to pay someone to do that.)

- Pest Control/sprayed for ants: 03/05/10 in the "kitchen, bathroom, basement, living room and foyer of A-8" \$90.10
04/21/10 (600-where?) \$49.75
(Aren't individual owners responsible for their own pest control?)
- Spray for bugs around entire building: 04/14/10 \$291.50
(Spraying for bugs/ants once is a waste. I've been working on trying to balance the bug population in our gardens, so that they will control their own populations naturally and without the need to spray. Spraying only sets this process back.)
- CPA (no description of "services rendered": 04/30/10 \$485.00
- Cleaned Drains: 03/29/10 (outside) \$249.10
05/18/10 ("snaked shower drain...") \$164.30
- Repair "Back Gutter": 08/15/10 \$126.88
- Repair drain and replace strainer "apartment" (?rental apartment): \$124.38
- Repair Sink in Laundry Room: 07/15/10 \$101.50
- Reimbursements to units owners in A-5 and B-8 for social expenses: 1/13/10
- John's trash removal: \$495.00/month. Are we getting recycling or not?
- Gas bill: two or three a month. Do we pay for gas in the rental apartment?
- Sewer and waste water usage: runs about \$1000/month
- Hotchkiss charges for: management (\$700/month): phone (?around \$40.00/month):
cleaning of halls (\$503.50; \$436.70, etc. to a subcontractor): collecting trash from back
halls (\$796.00/month): out-of pocket expenses like light bulbs, batteries, ice melt and
scoops for entrances which cost \$108.44 for materials and \$74.63 for Carl's labor);
etc.(Note: visits by Carl are charged @ \$49.75/hr.); office expenses; postage (between \$
25 and \$30.00 per month); coupon books and labels \$288.00; "annual report filings"? \$200
(I suspect this means to the Secretary of State).
- New Gas Meter (? For rental apartment): 05/11/10 \$250.00
- Install New Faucet (?where/why): 04/17/10 \$248.75
- "Clean Carpet at 598" 11/18/09 \$ 49.75
- Carpet Cleaning all front halls: 07/15/10 \$736.70
- Patch Sidewalks: 05/10/10 \$203.00 (plus materials)
- "Re-caulk outside 598": 05/12/10 \$253.75 (plus materials)
(Reported not to have worked, because the wood is rotten.)
- Welding of Broken Parking Lot Drain Cover: 06/27/10 \$238.50
(Why wasn't the roofer held responsible for this, since the lift cracked it?)
- Replace two Sanitary Sewer Grates: 10/12/10 \$657.20

Do we have Fidelity Insurance and the other insurance that we are now required by law to carry?

Suggestions

1. **Entrance Captains:** If one person in each entrance would take charge of changing light bulbs that burn out in their entrance and in the basement under their unit, we could save a lot.
2. **Smoke Detectors:** If we don't need the battery-operated units, why don't we pull out the batteries from all the hallway smoke detectors?
3. **Detailed and certified estimates along with engineering consultation:** Why aren't we requiring detailed information on charges of labor, materials and rentals, etc. from all contractors? Why aren't we hiring contractors who are certified and/or practicing professional standards set by trade organizations whose guidelines are tested and well-established? Why don't we have a detailed master plan for restoring the roof and exterior of the building? We now have no impartial means by which we can evaluate our contractors' expertise or work except when it fails.

Given that I have 30 yr old leaks in my unit, rotted window frames, 4 skylights that need to be replaced and brickwork that is "melting," in spite of thousands of dollars of "repairs," I am frustrated by the lack of effective, competent resolution of these problems. Every year we throw huge sums of money at the roof and yet the areas around my unit still aren't fixed.

I suggest that we hire an engineer who specializes in the restoration of old buildings to look over our roof, exterior walls and chimneys in order to develop a comprehensive restoration plan. Then we can hire reliable experts who will not only repair the roof, but who also will be respectful of the age and heritage of this building, those of us who live here and our surrounding grounds. (This year's workers from American Heritage made a mess, broke off limbs from our pine trees, crushed the Highland lawn, cracked the parking lot drain cover, littered the grounds with cigarette butts, dumped garbage all over, scraped and painted without drop cloths, left heating guns on unattended, stacked tiles on plants, and used the gardens as an urinal--and that is only what I actually witnessed...Also, the estimates called for copper flashing; we got lead.)

4. **Establish a hierarchy of priorities for projects and repairs:** When buildings need to be restored experts recommend that in addition to having an overall plan, the top priority should be "sealing the envelope" of the building. That means for us that we need to repair the roof; repoint the brickwork; replace rotten exterior wood, repair gutters and drains properly before we do work on the interiors. As this year's expenses demonstrate, we have not followed this convention.

Once our building is water tight, we could focus on upgrading the electrical system so that we can begin to save on our utility bills, since they are our greatest fixed expense. This could be accomplished by installing motion detectors on the lights in the halls and basement and by upgrading the exterior lights to solar or more efficient systems than the ones we now have.

If we want to make progress and actually begin to move beyond our current list of constant expenses, we need to hold off on cosmetic painting and non-essential projects like replacing carpeting. (The exception to this would be the restoration required to repair units under the roof that have been damaged from the leaks in the roofs. That work should be scheduled to take place upon the completion of the repairs and after reasonable assurance that they have been effective.) Eventually, the hallways need to be completely renovated by stripping off the paint, replacing the hallway windows and the exterior doors, replacing the carpeting, redesigning new mailboxes/waste receptacles, upgrading the intercom system and installing protective wall treatment.

If we replaced the concrete walkways and the parking lots surfaces with brick or concrete tiles, we wouldn't have to worry so much about their cracking or being broken, since it is very easy and inexpensive to pop out a few broken tiles. They also can tolerate more weight than our current surfaces. The walkways can be designed to look perfect all the time, not patched and broken like they now do.

The south side of the building desperately needs to be landscaped and the alley needs a dressed surface on which to walk. (Crushed stone would be neat, easy to walk on and not subject to damage by machinery. It also is less expensive to install than concrete or tiles.)

Then when we are flush with money and have accomplished all that needs to be done it would really nice to create a recreational center on the deck over the garages, etc....Our past practice of patching and repairing rather than restoring and renovating is just being penny wise, pound foolish. We haven't made progress.

5. Landscaping: I am willing and able to save money in several aspects of this area. Also, we could benefit in the long-term, if we invested in beneficial nematodes, as grub control rather than treat for this every year. In a like manner, if we used compost tea on the lawn we wouldn't need to fertilize or to water as often. Several large shrubs need to be sprayed for fungus several times over the coming spring. There are other similar organic approaches that can be cost effective in the long run.

Given that in the past 2 years, 10 newly purchased shrubs (representing between \$500 and \$1000) have died from lack of proper watering, we need to address the question of whether or not we are going to apply standard gardening practices here. This is not an issue for the landscapers.

6. Bugs and Chemicals: If we work on increasing the biodiversity on our property many of the problems we have with unwanted bugs will be resolved. Spraying chemicals only as a last resort, as with the poison ivy, promotes biodiversity and over all health in the gardens. Working with nature ends up being much more cost-effective and satisfactory in the long run.

7. Bar Heavy Machinery and Trucks from the Front Parking Lot: For years no heavy equipment or trucks were allowed in the parking lot. It is not designed to handle that kind of weight. Since this restriction has been lifted, the pavement has cracked badly, the drains have

collapsed and the drain covers have been broken. That will only continue, so long as we continue to ignore the reality of how fragile this surface is.

8. **Coupons and Labels:** Do we really need these? Can't there be an option to pay these fees online?

9. **Interior Painting:** How is it that hallways were painted this year when the interior restoration work that is needed on the 3rd floor units was not done? In addition, there is so much paint on the woodwork of the hallways, that it just peels off in a few years. The hallway of 596 was just painted and all the wallpaper and ceilings touched up three years ago....The roof leaks over the 596 hallway and the ceilings will continue to peel until that is resolved first.

10. **Our Bylaw:** With the passage the new amendments to the existing CT condo statutes our current Bylaws are out of date. At some point they will need to be revised. In the meantime we are required by law to comply with the new laws. I have heard rumors that we don't have to do this, because the laws are "in flux." This is incorrect. With the exception of the possible addition of an Office of Ombudsman to oversee complaints by condo owners there is no pending legislation on condos. Even if there were, that would not preclude our obligation to follow the laws already on the books.

Reference Information

**From research on the Internet on "melting" brickwork found in C-8 and C-3, etc.:

"When bricks are manufactured they are fired at the end of the process which creates the hard outer shell, much like the crust on bread. When the crust crumbles away (spalding) exposing the soft middle the brick will continue to slowly crumble away. Sealer may stop the crumbing for a few weeks and poly, for a bit longer, but it will also yellow the bricks and look terrible. Once bricks start crumbling like that the only permanent solution is to scrape the mortar away and replace the entire brick, preferably using another old brick. (old bricks were much softer than bricks made today). Also use lime based mortar, which is much softer than the cement based mortar used today. One of the most common reasons that spalding happens is that a batch of bricks were not properly fired. It can also happen from paint or polyurethane on brick. Bricks need to breath (sic), to take in moisture and air and release moisture and air. When they are sealed with things like paint and poly moisture will stay inside the brick for much longer and reduce the life of the brick."

Note: This was also the advice and the plan of action proposed by Dahill. It is not what we got. In fact, we got much less for our money with American Heritage. They worked (I would argue incorrectly) on 5 chimneys, replaced only 2 skylights and did patching on the roof and walls for \$31,175. Dahill's estimate for \$74,975 plus the cost of replacement bricks included the replacement of those 2 skylights, plus the replacement of the 4 in my unit. It also included the use of copper flashing and extensive work on the roof and all 12 chimneys....The math says it all....Dahill would have done restoration; we got patching....

Submitted, December 2010

by

Ann Pecora Diamond

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2009 Report on Gardening at PGCA
by
A. P. Diamond

In keeping with the goals and activities I identified in my 2008 Report, I set out this year to focus my efforts on the gardens in front of 596, between 596 and 598, at the corner of Prospect and Highland Streets and along the Prospect Street side of the front parking lot. My main goals were to bring order and form to these areas, to introduce more diversity in plant material, to promote the prosperity of beneficial creatures, to clean out over-grown areas and weeds, to water and feed plants, and to add a few—especially flowering-plants.

While it was my initial understanding that others on the Landscaping Committee (LC) were going to focus their efforts this year on the Highland Street side of the building, the realization of my own stated objectives was hampered by LC activities. As I have indicated before, I have concerns about the additions to the front banks of the parking lot.

Initially, I tried to open up these beds by cutting back a lot of the Euonymous (E) which threatens the well being especially of the established Rhododendrons (R's). In fact, I conducted an experiment, the results of which support my hypothesis that freeing up the ground at the base of the R's from the invasive E and preventing it from growing on the R's greatly contributes to their revitalization. This experiment demonstrated that the one R receiving this care is thriving, while the one left engulfed by the E is the one recently identified by the LC as being in trouble. These restoration efforts were further facilitated by the addition of organic food and nutrients the plants needed. Accordingly, many of our older, established plants are looking fuller and more healthy. Some even bloomed, once again, this season after having been unproductive for years. Finally, they also are now better able to fight off disease, since a plant with a healthy immune system will take good care of itself. It will take a few more years of attention to these details before all of our large shrubs and trees are completely restored; but, for now, we are finally moving in the right direction.

Another project I undertook was the balancing of beneficial and harmful insects and pests in the gardens. Because the practice here has been for a number of years to install only evergreens and non-flowering plants, the bugs in our gardens have been selected from varieties that infest, damage or destroyed our plants. We had, for example, huge populations of white flies, mites, earwigs, slugs and aphids. (While I haven't seen evidence of grubs, we have had a history of them, so I continue to look for signs of their return and of Japanese Beetles.) To adjust this imbalance I undertook a two pronged approach: one, attract more beneficial insects to feed on the destructive ones; and two, add plants to keep these helpful creatures coming back or to encourage them to take up residence. Ergo the Lady Beetle apartment complex....I also added two small bird baths as sources of drinking water.

I am now pleased to report we have made great progress in this objective. We have hard-working Lady Beetles and Praying Mantises. I even smelled a skunk around a few times this summer, which is great news, since they eat their weight in slugs every night. We had more pollinators and birds which not only help with insect control, but ensure that we will have more flowers next year. I added Milky Spore to the gardens and have not seen any sign of Japanese Beetles. The spiders and bats have done a good job of keeping the mosquitos largely under control. Also, with the addition of mulch and nutrients to our soil our population of Earthworms has grown which helps obviate the need to cultivate most of the gardens. (Although with so much foot traffic through the flowerbeds, I do break up some of the soil to prevent the ground from becoming packed down too hard. Hard ground in flowerbeds prevents good oxygenation of the soil which is not good for the plants or beasts living in it.)

I, also, did my best to keep up with the fungus especially on the roses and Peonies, although I definitely needed to do more in the front bank gardens. I'm hoping that cleaning up this fall will help and that next year's Peonies (in particular) will not be so damaged as they were this year. (i.e.

not watered late in the day or early evening.)

I added some plants—mostly, flowering plants designed not only to add color, but also to attract the beneficial insects we need so desperately. With few exceptions they are perennials and will need a year or two to look their best. They also follow the established color schemes.

Plants added in 2009 include: 100's of Daffodils, 11 roses (including: one in memory of Sally; one in memory of Brewster; and one in honor of the birth of Theodore. Marge also donated one in memory of my Mitch.), 1 Arctic Fire Dogwood (in memory of Sophie and Mollie which was pulled out by the landscapers and never replaced), 3 Peonies, 2 Dahlias (about which passers by have expressed their special appreciation), 40 Asiatic and Oriental Lilies (some of which were pulled out by the landscapers, because the labels and supports I used to protect them were either removed or buried by the LC), Trout Lilies, Allium/Globemasters, Yarrow, Euphorbia, Coreopsis, Delphinium, Campanula, Astilbe, Heliotrope, Verbena, Lavender, Cosmos, Dianthus, Aconitum, Arisaema, Helleborus, Epimedium, Licorice Plant, 6 Columbines, 3 Dahlias, Lilies-of-the-Valley, Triplet Lilies, Eryngium, Trillium, Hepatica, and Monarda.

I also carried out to our dumpster over 45 large paper leaf bags of debris this growing season, and in the fall I added 12 bags of cedar mulch to the gardens nearest 596. I fertilized and sprayed, using only organic, household and natural products. I watered the areas for which I was responsible and was able to do some weeding; but not as much as was needed. In general, I will let the areas I worked on speak for themselves. Once again, I paid for everything I used and added myself. I don't understand why monies for improvements to the landscape were not evenly distributed among all four entryways.

I am grateful to Chris for having arranged to get me a copy of the key to the Gardening Closet. I have cleaned it out and have sorted through the items being stored there. I have added shelving and have organized the tools and supplies.

In addition to the problems I have previously brought to everyone's attention, I would mention that we continue to have problems with people either backing into parking spaces or scraping bare the garden and lawn by pulling their cars up over the curb bordering the spaces in the front lot. Attention to this issue, would go a long way toward solving it.

As everyone knows, we lost the Birch tree by 596. It became infested and the reason for this became evident when it was cut down and the stump dug up. Nearly two-thirds of the tree's root ball was still entombed in the original wire basket in which it was delivered over ten years ago. There wasn't even the tiniest root able to grow through this wire girdle. As a result, the tree was able only to send out roots and to receive nourishment from the comparatively few roots it grew from the top third of its root structure. Accordingly, the tree was not able to establish a strong enough immune system to ward off the infestation that led to its demise. (For those interested in this problem there was a segment on a recent episode of PBS's show *The Victory Garden* that discussed this very problem.)

I would be happy to answer any questions about or discuss any of the issues I have raised in this report. Thank you.

Comments by AP Diamond
on
August 31, 2010
at
PGCA Board Meeting

I. Board Meeting Announcements need to:

- A. Be published 10 days in advance
- B. Be sent via email so that those not in residence are contacted

II. Trimming of the Ivy

- A. How was it determined to cut it so drastically? (Note: CT statute states:
"An association shall retain the following...(2) **Minutes of all meetings** of its unit owners and executive board other than executive sessions, a record of all actions taken by the unit owners or executive board **without** a meeting, and a record of all actions taken by a committee in place of the executive board on behalf of the association...."
- B. Why weren't the wishes of the Association, as expressed and voted on in July of 2009, followed? That vote provided for:
 - 1. **Three trimmings** a year of the ivy (which should have been scheduled in the landscaper's contract for times on or around June 15, July 31 and September 15 each year)
 - 2. The **preservation of the ivy** which now has been greatly diminished
 - 3. The ivy not being allowed to grow over people's windows and onto the wood trim, as it did this year.

III. Loss of Value of our property due to:

- A. The economy
- B. Too High Monthly Condo Fees, as a result of
 - 1. Lack of long-term, **comprehensive restoration plan**: projects should not be determined through personal communications and petitions, rather they need to be based on clearly stated priorities and preferences delineated by the community and with emphasis on preserving this building and its grounds (e.g. non-essential work on backstairs versus structural work on roof and exterior of building or the removal of mature trees because of personal complaints about the debris they left versus the community-at-large's aesthetic choices and the long-term, huge cost of re-landscaping and reclaiming this area).
 - 2. **Penny wise, pound foolish**: Too much short-term patch work and too little actual restoration, as in:
 - a. patches on sidewalks that just widen in time
 - b. repairing the sensors on a system that is costly to run and outdated. (We should be installing motion detectors and solar lighting.)
 - c. welding closed half of one parking lot drain with a metal plate
 - d. constantly painting woodwork that has so much paint on it already

new paint doesn't stick and the detail of the molding is lost (Rather than continue to paint these areas, the old paint needs to be removed and new applied)

e. repairing doors that don't shut and need to be replaced

f. chalking windows (i.e. my 5 south side double hung windows and those in the hallways) when the wood is rotted and needs replacing

g. replacing front parking lot stairs so that they now are slippery and are tilting forward. (i.e., I slipped down them and was hurt....)

h. sealing the pavement on the parking lots only to have them cracked immediately afterward by large machinery and moving vans

i. hiring the cheapest contractors and having to redo their work or repair damage they cause

j. destroying plant material and then replacing it with plants that die from lack of proper care

k. not turning on the sprinkler system until late in the season

l. replacing skylights with the wrong models and sizes and then not

tending to the extensive and costly interior repairs for over a year, etc.

Very little gets actually fixed and a great deal of money is wasted. Problems just grow and we end up spinning our wheels not making real, measurable progress....

C. The property looks scruffy:

1. There are tacky utility wires dangling down the front of the building and some people have attached to the building personal items. Much of this is not in use and should have been removed.

The wires that are in use need to be tacked in place. With the removal of so much of the ivy these eyesores are now prominent.

2. Condo rules about signs and "personal equipment" are ignored

3. Unused hoses are lying around in the gardens among dead plants and huge collections of weeds

4. Garbage from passers by is constantly being dumped on the property

5. The removal of the trees on the south side and the neglect of the Highland side of the building have reduced them to "ghettoscapes."

The south side no longer has a screen of privacy or elegance between us and the next door building. The alley and its mechanicals are exposed and the first thing anyone sees when they drive into the parking lot. The increased sunlight on the area near the chain link fence has promoted the growth of weeds that have completely taken over that area and threaten the well being of the rest of the gardens. The contractor has crushed what little grass was left on parts of the Highland side and has pulled down large branches from the pine tree....

6. Everyone freely drills holes in the building for appliances....

D. Drive *VERY* Slowly in the Parking Lot/ Watch out for kids



Minutes of August Board Meeting

Saturday, October 16, 2010 10:55 AM

From: "Ann Diamond" <a.p.diamond@att.net>
To: "Gary R. Poltras" <gpoltas@wmmhotchkiss.com>
Cc: "Chris and Patti Kell" <thekellts@gmail.com>, "Carol Lee" <caboyer@rci.rutgers.edu>, "William and Vicki Morris" <wmorris@krjda.com>
Bcc: "David and Dorothy Pecora" <dypecora@yahoo.com>, "Marge Funk" <marjorie.funk@yale.edu>

Hi Gary,

I have a couple of problems with these minutes:

1. I never received a copy. My father happened to mention them to me and then faxed me a copy. I should be on the mailing list.
2. I specifically requested that the document I submitted at the meeting be attached to the minutes and distributed with them. It was not. Further, I was not informed at the time that this would not happen. So, while portions of my comments were referenced, the tone, theme and many of the specifics were not included. I consider this to be a violation of the CT Statute and an exclusion of my legitimate right to have my points and perspectives recognized, openly discussed and freely considered by the rest of our membership. Accordingly, I protest this action.

Thank you.
Ann

Roof Report

As I have thought about our roof and the problems it presents us, it occurred to me that I have a relative with related expertise I could consult. So, on December 17, 2010, I asked a cousin who is an architect to stop by to look at my problems with the roof. He, also, looked at C-8. He is a local architect who did his undergraduate degree at Cornell and got his MFA at the Yale School of Architecture. After that he worked for Cesar Pelli and eventually set up his own firm where he designs new buildings, oversees the construction of residential and commercial buildings, and provides a variety of services in the restoration of old buildings, including several renovation projects of buildings at Yale. He brought with him to this meeting a person from his firm who has had nearly 20 years of experience working in Yale's facility management offices.

In addition to showing them the leaks, old skylights and issues with the brickwork, I recounted for them conversations I had had with all the roofers, including Tom Smith from American Heritage and Jamie from Dahill. I tried to get some sense of how to evaluate the disparate views of these contractors. I also asked for advice on how to deal with our roof.

The following is a brief summary of the recommendations I received:

- 1. Old, Complicated Roof:** There are any number of ways to approach its repair and maintenance. There needs to be a well-defined and commonly agreed upon underlying theory that will serve as a foundation for plans and actions that are taken. Doing things in a reactive, piecemeal, case-by-case way is not efficient or effective. Rather, this approach tends to be ineffective, very costly and wasteful—even counterproductive.
- 2. Overall Approach:** This architect said that when he does any project that involves a roof, whether it is new construction or restoration of an old building, he hires a **roofing consultant** to oversee the roof work. Such professionals are trained in all aspects of roofing construction, materials, design and quality control. They prepare a master plan that is sent out for competitive bidding to several roofing contractors. They, also, help with the bidding process and ensure that we get value for our money. Further, they provide quality control by supervising the work and by overseeing that only appropriate materials are used and in accordance with the highest industry standards, such as those defined by the National Roofing Contractors Association (NRCA) or Leadership in Energy and Environmental Design (LEED), the green building standard. A roofing consultant will manage a project so that it is done properly, which means the emphasis is on the work, not the contractor doing the work. If we have problems or concerns, it is the job of this consultant to get those issues resolved for us with the contractors.
- 3. Roles of Roofing Consultant versus Roofing Contractor:** A roofing consultant will devise a plan and then will implement it so that the contractor hired does only the work that is necessary and according to predetermined specifications. In the past by relying on the

contractors to devise their own plans, define the materials they used and work without quality controls, we have denied ourselves the kinds of checks and balances that can provide us with not only the best work, but also peace of mind.

4. **Recommendation:** Contact Marc Caputo (<http://www.macaputo.net/services.htm>), a roofing consultant with national and international experience working on roofs.

As a result of this meeting I have talked with Marc Caputo. I have asked him for information on his fees and services. His firm charges an hourly rate of \$175.00. If they are hired to do a project their agreement includes a cap which is predetermined to be some percentage of the cost of the total roofing contract.

There also are many ways to proceed and to pay for this work once a plan is devised. We first need to know the status of our roof and the scope of the repairs that are required. Once we have that in mind we can discuss how to go about scheduling the work and how to pay for it. We have a number of options that would not necessarily entail raising our monthly fees, such as: we could hold off on all non-essential, elective projects for a year and save the money so that the work could be done the following year; there could be special assessments; we could even take out a loan, etc. We may need to be creative about how to fund this work; but putting it off only means it will worsen and become even more expensive to address, all of which threaten the health of our long-term investments in this building. (An attractive, structurally sound building supports higher sales prices than one that is in need of restoration and renovation.)

Anyone with experience in hiring consultants knows that their expertise and assistance with the bidding process often results in savings to their customers that offset the cost of their services. Accordingly, I believe we would do well to hire one to give us an expert and impartial evaluation of our roof, so that we can discuss how to deal with this and can make informed decisions about what needs to be done to fix and to maintain our 80+ year old roof.

In an effort to evaluate whether or not this is a path we should follow, Marc Caputo has offered to attend a meeting at PGCA to discuss not only his services and fee structure, but also to address any general questions members have on roofing repairs and the proper maintenance of our old, tile roof and the exterior of our building.

Submitted by
Ann Pecora Diamond
January 3, 2011